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12  
13 **UNITED STATES DISTRICT COURT**  
14 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
15

16 CLINTON BROWN,  
17 Plaintiff,  
18 v.

19 CLARK R. TAYLOR, AICP, THE  
LOS ANGELES COUNTY  
20 DEPARTMENT OF REGIONAL  
PLANNING,  
21 Defendants.  
22

Case No. 2:22-cv-09203-MEMF-KS

**DEFENDANTS' OPPOSITION TO  
PLAINTIFF'S MOTION FOR  
LEAVE TO AMEND COMPLAINT**

Assigned to:  
Hon. Maame Ewusi-Mensah Frimpong  
Courtroom "8B"

Magistrate Judge Karen L. Stevenson  
Courtroom "580"

23  
24 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

25 Defendants submit the following Opposition to Plaintiff Clinton Brown's  
26 ("Plaintiff" or "Brown") Motion for Leave to Amend Complaint.  
27  
28

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

The Court should deny Plaintiff Clinton Brown's Motion for Leave to Amend Complaint. First, as Mr. Brown filed his motion without forewarning, he has failed to comply with this District's strict meet and confer requirements. (*See* L.R. 7-3.) On this basis alone, the Court may reject Mr. Brown's motion. (L.R. 7-4.)

Second, Mr. Brown's motion lacks any merit and may be rejected for that additional reason. Plaintiff's Motion fails to provide any evidence which would support Plaintiff's argument that granting leave to amend serves both justice and judicial efficiency. On December 17, 2022 Plaintiff filed the operative complaint. Specifically, Plaintiff's single cause of action against Defendant Taylor alleges "the actions of inverse eminent domain constituted a taking of private property without just compensation and thus violated Fifth Amendment rights." *See* Complaint (Dkt 1), at 7:8-10. Ironically, nearly twenty seven months after the filing of the original Complaint, Plaintiff seeks to amend his Complaint in order to assert a taking which he has already done since the onset of this litigation.

**II. BACKGROUND**

From the onset of this litigation Plaintiff has claimed the County of Los Angeles has taken his real property without just compensation in violation of the Fifth Amendment. In fact, Plaintiff, clearly referenced a "taking" in his Original Complaint. *See* Complaint (Dkt 1), at 3:7-8. The "taking," according to Plaintiff, occurred when County's Department of Regional Planning ("Regional Planning") rejected his application to install a "20 MW Solar Farm" on his property located at 27250 Agoura Road in Agoura Hills, California. *Id.*

Plaintiff now brings a "Motion For Leave to Amend Complaint" ("Motion"), purportedly in order to assert a *per se* Taking, which Plaintiff has asserted since the onset of this litigation. *See* Motion (Dkt 189). Beyond Plaintiff's repeated attempts to waste this Court's time and engage in meritless law and motion practice, Plaintiff

1 has not yet been able to demonstrate he has standing in this lawsuit as he is not the  
2 owner of the subject property located at 27250 Agoura Road in unincorporated Los  
3 Angeles County ("Agoura Property" or "Subject Property") which is the basis of this  
4 lawsuit. Plaintiff is now trying attempting once again to take advantage of this  
5 Court's time and resources in a last try attempt to seek re-consideration of his  
6 meritless allegations, as Plaintiff has previously attempted to do by filing a motion  
7 for preliminary injunction which was rejected by this Court on December 5, 2023,  
8 as well as this Court's denial of Plaintiff's Application for TRO filed on March 12,  
9 2024.

10 **III. PLAINTIFF'S MOTION FAILS TO COMPLY WITH LOCAL RULE**

11 **7-3**

12 This District's Local Rules outline specific requirements for motion practice.  
13 Under Local Rule 7-3, a party must "first contact opposing counsel to discuss  
14 thoroughly, preferably in person, the substance of the contemplated motion and any  
15 potential resolution" at least seven days before filing a motion. Mr. Brown  
16 undisputedly did not comply with this requirement, and in fact, never informed  
17 Defendant of his intention to file his motion. (Rashidi Decl. ¶ 2.) His failure to do so  
18 is sufficient grounds for the Court to summarily deny the motion.

19 Mr. Brown's *pro se* status does not excuse his failure, as Local Rule 1-3  
20 makes clear that the Local Rules apply equally to *pro se* litigants. Moreover, having  
21 availed himself of this forum on at least two other occasions, and having actively  
22 participated in motion practice throughout this litigation, Mr. Brown must be aware  
23 of and should be required to abide by this District's Local Rules.

24 **IV. PLAINTIFF'S AMENDED COMPLAINT DOES NOT OFFER ANY**  
25 **ADDITIONAL SUBSTANTIVE CLAIMS**

26 In Plaintiff's original Complaint, Plaintiff clearly argues that "the actions of  
27 inverse eminent domain constituted a taking of private property without just  
28 compensation and thus violated their Fifth Amendment rights." *See* Complaint (Dkt

1 1), at 7:8-10. Plaintiff's Motion argues that Plaintiff would like to "assert a per se  
2 Taking." *See* Motion (Dkt 189). As we have witnessed thus far throughout the  
3 process of this litigation, and Plaintiff's multiple meritless filings, Plaintiff has  
4 already claimed a taking has occurred on a *multitude* of occasions. Additionally,  
5 Plaintiff has not be able to demonstrate a taking occurred. In fact, Defendants have  
6 filed an Motion for Summary Judgement specifically asserting that Plaintiff's  
7 argument that a taking has taken place is meritless. A physical taking "is a direct  
8 government appropriation or physical invasion of private property." *Lingle v.*  
9 *Chevron U.S.A. Inc.*, 544 U.S. 528, 537 (2005). That did not happen here.

10 Instead, Plaintiff bought property which was subject to recorded and publicly  
11 ascertainable development restrictions. A December 21, 1987 recorded tract map  
12 reflects that the land that Plaintiff ultimately acquired was dedicated to the County,  
13 expressly giving the County "the right to prohibit the construction of residential  
14 and/or commercial structures" upon the property. This public document was  
15 available to the Plaintiff before he purchased the property, and he is presumed aware  
16 of this restriction. *See* California Civil Code, Section 1213.

17 At the time he purchased the property, the property was also designated as a  
18 Significant Ecological Area ("SEA"). Plaintiff could have determined the property's  
19 SEA status through a website maintained by Regional Planning, known as "GIS-  
20 NET Public." He was thus constructively charged with this knowledge, as well as  
21 the knowledge of publicly-available Los Angeles County Code Section  
22 22.140.510.C.5.a, which prohibits the installation of solar energy facilities within an  
23 SEA.

24 These facts are critical because at least one element of a takings analysis is to  
25 determine whether the County interfered with Plaintiff's reasonable investment-  
26 backed expectations when he purchased the property. *See Penn Central. Transp. Co.*  
27 *v. City of New York*, 438 U.S. 104, 124 (1978). Plaintiff cannot demonstrate any  
28 such interference – the use that Plaintiff wishes to put to the property was an

1 impermissible use at the time he bought the property, and the County had the  
2 previously-recorded right to prohibit commercial structures on the property.

3 Thus far, Plaintiff has provided no admissible evidence to support his claim  
4 that the County took his property, which he has alleged since the onset of this  
5 litigation. More importantly, Plaintiff has failed to provide any evidence justifying  
6 his request for leave to amend his Complaint at this state of litigation, nearly twenty  
7 seven months after the original Complaint was filed, and while the parties are  
8 currently waiting for the Court's ruling on Defendants' Motion for Summary  
9 Judgment.

10 **V. CONCLUSION**

11 Mr. Brown's serial motion and filings continue to be vexatious and frivolous  
12 and create an unnecessary burden on the time and resource of this Court and  
13 Defendants. The Court can and should deny the motion--whether based on Mr.  
14 Brown's failure to meet and confer under Local Rule 7-3, the lack of substantive  
15 merit to his positions, or the prejudice to Defendants at this stage of litigation, nearly  
16 twenty seven months after the original Complaint was filed, and while the parties  
17 are waiting for the Court's ruling on Defendants' Motion for Summary Judgment.

18  
19  
20 DATED: March 5, 2025

HURRELL CANTRALL LLP

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22  
23 By: /s/ Sanaz Rashidi  
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25 SANAZ RASHIDI  
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